

BEFORE THE  
SHORELINES HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF A SUBSTANTIAL )  
DEVELOPMENT PERMIT ISSUED BY )  
THE CITY OF SEATTLE TO MR. AND )  
MRS. H. DONALD GREENGO )  
U. S. COAST GUARD, )  
Appellant, )  
v. )  
CITY OF SEATTLE and MR. AND )  
MRS. H. DONALD GREENGO, )  
Respondents. )

SHB No. 209

FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER

This matter, the request for review of a substantial development permit, comes to the Shorelines Hearings Board, pursuant to agreement by all parties, on written briefs in lieu of a formal hearing.

Appellant's amended request for review and brief were submitted by John H. Byrd, Jr., legal officer, 13th Coast Guard District. Respondent City of Seattle's brief was submitted by Ross Radley, assistant corporation counsel. Respondents Greengo submitted a letter.

1 The various parties also submitted certain exhibits which are  
2 admitted pursuant to stipulation at a pre-hearing conference held  
3 before Ellen D. Peterson, presiding officer representing this Board,  
4 on April 22, 1976.

5 From pleadings filed, exhibits examined and briefs considered,  
6 the Shorelines Hearings Board makes these

7 FINDINGS OF FACT

8 I

9 Alki Point, the Seattle neighborhood involved in this matter, is  
10 twice over a place of historical significance. It was the place where  
11 the City's first settlers landed. It is the site of one of the  
12 nation's few remaining active federal lighthouses. Because the point  
13 provides a magnificent view of Puget Sound and the Olympic Mountains,  
14 it also is a prized residential area which was subdivided, long before  
15 the Shoreline Management Act or modern land-use planning by the City,  
16 into dinky lots. The result is a crowded jumble of single-family,  
17 duplex and apartment residences, all cheek-to-jowl like so many  
18 sardines in a can.

19 The only property on the point with appreciable open space is  
20 appellant's federally-owned lighthouse site which, in addition to  
21 service structures necessary to the operation of the lighthouse, also  
22 contains two two-story frame residences occupied by United States Coast  
23 Guard personnel and their families. The lighthouse reservation has  
24 been designated as a National Historic Site and is open to the public,  
25 but only on the restricted basis of from 1:00 p.m. to 4:00 p.m. on  
26 weekends and holidays.

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II

Respondents Greengo own a 6,500 square-foot waterfront lot at 3215 Alki Avenue S.W., Seattle. The lot, some 263 feet in length and from 23 to 30 feet wide, is adjacent to the southwest boundary of the lighthouse reservation. On the Greengo property is a 60-year-old single-family frame residence which is 17-1/2 feet high.

Desiring to remove the old house and replace it with a duplex to be occupied by respondents and their daughter and son-in-law, the Greengos, on July 18, 1975, applied to respondent City of Seattle for a substantial development permit for a frame duplex at 3215 Alki Avenue S.W., Seattle, the building to be 70 feet long by 24 feet high with a north side yard of three feet and a south side yard of four feet.

III

On October 9, 1975, respondent Seattle, pursuant to RCW 43.21C, issued a written finding of non-significant environmental impact for the project.

On October 24, 1975, respondent Seattle approved the substantial development permit subject to two conditions: That the Greengos obtain a side-yard variance, and that the duplex not be built on the property line.

IV

Respondents Greengo applied to respondent Seattle for a variance from the City's regulations on side yards and off-street parking. Seattle regulations call for 10- and 12-foot side yards and for two off-street parking spaces in the instant area. (Sections 26.22.100, 26.44.100 and 26.46.110, Seattle Code).

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1 A public hearing on the variance requests was held before  
2 respondent Seattle's hearing examiner on January 16, 1976. Appellant  
3 appeared and testified in opposition. The hearing examiner visited  
4 the site.

5 On January 29, 1976, the hearing examiner denied the off-street  
6 parking request and granted the side yard variance on condition that  
7 the duplex extend no further west (seaward) than an existing three-  
8 story residence adjacent south of the Greengo property, and that the  
9 Greengo duplex be limited to two stories and 24 feet in height.

#### 10 V

11 Appellant appealed the above decision to the Seattle Board of  
12 Adjustment, which, after a site inspection, upheld the hearing  
13 examiner's decision.

#### 14 VI

15 Appellant made a stipulated timely appeal of the substantial  
16 development permit to this Board; the permit is the subject of this  
17 review. Appellant contends the permit violates use and population  
18 density provisions of Draft Four of Seattle's proposed Shoreline  
19 Master Program.

#### 20 VII

21 The duplex proposal is consistent with Seattle's zone for the area  
22 (Duplex Residence High Density).

#### 23 VIII

24 The duplex proposal is 11 feet lower in height than the 35-foot  
25 maximum allowed under the Shoreline Management Act and Seattle  
26 regulations.

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IX

The duplex proposal, as conditioned by Seattle, will impair slightly the view of Puget Sound to the southeast from the lighthouse reservation.

X

Any Conclusion of Law hereinafter recited which is deemed to be a Finding of Fact is adopted herewith as same.

From these facts, the Shorelines Hearings Board comes to these

CONCLUSIONS OF LAW

I

The tests which this Board must apply to any review of a substantial development permit are compliance with the State Environmental Protection Act (SEPA) and consistency with the Shoreline Management Act guidelines prepared pursuant thereto and any ascertainable master program.

II

We conclude that respondent Seattle complied with SEPA and we agree with its findings that the project does not have significant environmental impact.

III

Appellant has not established any inconsistency with either the Shoreline Management Act or guidelines prepared pursuant to the Act, and we cannot find any inconsistencies therewith.

IV

The ascertainable master program is Draft Four.

Here, we would have no difficulty in quickly sustaining appellant.

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1 position if this were the first intrusion to the use and population  
2 density requirements which one normally would require for a National  
3 Historic Site so heavily dependent on water access and view as is  
4 the lighthouse reservation.

5 But that is not the situation. For decades, the "Alki Point  
6 light"--to use the vernacular term which the public affectionately  
7 has given appellant's property--has been hemmed in, on three sides,  
8 by a clutter of residential structures. The "Alki Point light" does  
9 not and has not stood in lonely, unobstructed splendor on a pristine  
10 peninsula. Rather, it always has been surrounded on all but its  
11 shoreline side by the residential developments of a growing, bustling  
12 metropolitan area.

1 Respondents Greengo do not propose a new use. What they seek is  
14 a permitted use to which their property, for at least 60 years, already  
15 has been put. The change, from single-family to duplex occupancy,  
16 is hardly worth consideration from a "population-density" standpoint  
17 and we dismiss that contention out of hand. The public, in its  
18 ~~permitted eight-hour-a-week visitations~~ to the lighthouse reservation,  
19 will not note whether there are two or four occupants next door.

20 The public probably will have to walk a step or two closer to  
21 the beach, as a result of the proposed Greengo construction, to obtain  
22 what little view still is available to the southeast. But that view  
23 already is blocked by a structure adjacent to the south of the Greengo  
24 property. We conclude that what view obstruction will be provided by  
25 the Greengo structure will be minimal and of little consequence to the  
public which still will have the same access to the shore and

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1 essentially the same panoramic view of Puget Sound and the Olympic  
2 Mountains that it now has.

3 We conclude that the reviewed permit does not violate the  
4 provisions of the ascertainable master program.

5 V

6 Any Finding of Fact herein which is deemed to be a Conclusion of  
7 Law is adopted herewith as same.

8 Therefore, the Shorelines Hearings Board issues this

9 ORDER

10 Respondent Seattle's issuance of a substantial development permit  
11 with conditions to respondents Greengo is sustained.

12 DATED this 27<sup>th</sup> day of May, 1976.

13 SHORELINES HEARINGS BOARD

14 Chris Smith  
15 CHRIS SMITH, Chairman

16 Robert E. Beaty  
17 ROBERT E. BEATY, Member

18 W. A. Gissberg  
19 W. A. GISSBERG, Member

20 Walt Woodward  
21 WALT WOODWARD, Member

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26 FINAL FINDINGS OF FACT,  
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